

ORIGINAL**United States Bankruptcy Court**
District of Idaho

Complete this form and mail to: U.S. Bankruptcy Court 801 E. Sherman St. Pocatello, ID 83201

PROOF OF CLAIM

THIS SPACE IS FOR COURT USE ONLY

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CARRISON OFFICE

CLERK OF COURT

Name of Debtor: JOHN L. MERZLOCK

Case Number: 03-41775

Chapter: 13

Trustee: L. D. FITZGERALD

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to U.S.C. §503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Citizens Community Bank
c/o Craig W. Christensen
P. O. Box 130
Pocatello, ID 83204

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope.

Account or other number by which identifies debtor:

Check here if this claim: Replaces Amends a previously filed claim dated:

1. **Basis for Claim** Goods Sold Services Performed ☒ Money Loaned Personal Injury/Wrongful Death Taxes
- Retiree benefits as defined in 11 U.S.C. §1114 (a) Other (please describe):
- Wages, Salaries and compensation: Your Social Security Number: _____
- Unpaid Compensation for services performed from _____ (date) to _____ (date)

2. Date debt was incurred: 1996

3. If court Judgment, date obtained: June 12, 2003

4. SECURED CLAIM

- Check box if your claim is secured by collateral (including a right of setoff)

Brief Description of Collateral:

Real Estate Motor Vehicle

Other _____

Value of Collateral \$ _____

Amount of arrearage and other charges at time the case was filed included in secured claim, if any:

\$ 206,246.14

6. TOTAL AMOUNT OF CLAIM AT TIME CASE WAS FILED

UNSECURED \$ _____ SECURED \$ 206,246.14

PRIORITY \$ _____ TOTAL \$ 206,246.14

Check box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

5. UNSECURED PRIORITY CLAIM

Check box if you have an unsecured priority claim

Amount entitled to priority \$ _____

SPECIFY PRIORITY OF CLAIM

Wages, Salaries, or commissions (up to \$4650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier.

(11 U.S.C. § 507 (a)(3))

Contributions to an employee benefit plan (11 U.S.C. § 507 (a)(4))

Up to \$2100* of deposits toward purchase, lease, or rental of property or services for personal, family or household use (11 U.S.C. § 507 (a)(6))

Alimony, maintenance, or support owed to a spouse, former spouse or child

(11 U.S.C. § 507 (a)(7))

Taxes or penalties owed to governmental units (11 U.S.C. § 507 (a)(8))

Other - Specify applicable paragraph of (11 U.S.C. § 507 (a)())

*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. **Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.8. **Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. **DO NOT SEND ORIGINAL DOCUMENTS.**

If the documents are not available, please explain. If the documents are voluminous, attach a summary.

9. **Date Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

DATE

8/26/03

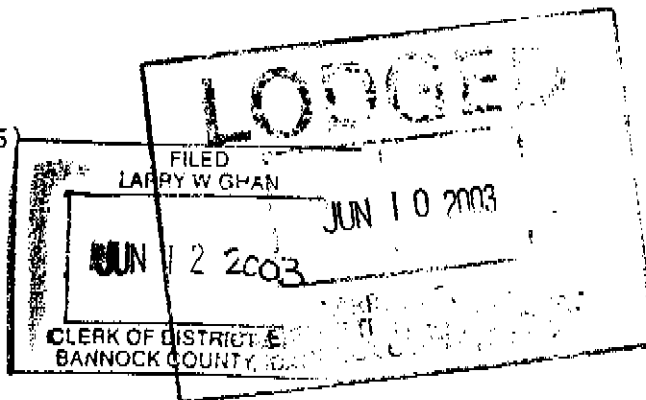
Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

Craig W. Christensen, Attorney at Law

Penalty for presenting fraudulent claim: Fine up to \$500,000 or imprisonment for up to 5 year, or both. 18 U.S.C. §152 and §3571

ORIGINAL

Craig W. Christensen (ISB # 2086)
CRAIG W. CHRISTENSEN, CHARTERED
414 South Garfield
P.O. Box 130
Pocatello, Idaho 83204-0130
Telephone: (208) 234-9353
Fax: (208) 234-9357



Attorney For: Citizens Community Bank

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

CITIZENS COMMUNITY BANK,)	Case No. CV-2003-1198B
)	
Plaintiff,)	
)	J U D G M E N T
-vs-)	
)	
ROGER K. MCATEE, a single man,)	
JOHN L. MERZLOCK, a married)	
man,)	
)	
Defendants.)	
)	

In this action the Defendant, John L. Merzlock, having been regularly served with process and having failed to appear, answer or plead to Plaintiffs' Complaint on file and default has been entered against said Defendant.

Based upon the Affidavit of Dan Heiner on file with the Court and the Court being satisfied that all the allegations in Plaintiff's Complaint are true and the Court being fully advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Plaintiff, Citizens Community Bank, have Judgment against the

\$206,246.14

Defendant, John L. Merzlock, in an amount of ~~\$206,246.14~~ comprised of a principal balance of \$189,675.21, accrued interest of \$12,592.30, and advances of \$400.00, as of February 12, 2003, together with accrued interest at the rate of \$20.56 per day from February 13, 2003 through June 10, 2003, in the amount of \$2,405.52, costs of court in the amount of \$173.11 and attorney's fees in the amount of ~~\$1,000.00~~ *\$1,080.00*, plus interest thereon at the statutory rate from the date of judgment until paid in full.

Plaintiff, Citizens Community Bank, is entitled to post-judgment reasonable attorney fees and costs incurred in attempting to collect on the judgment as provided by Idaho Code 12-120(5).

DATED This 12th day of June, 2003.


District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 12 day of June, 2003, a true and correct copy of the foregoing Judgment was mailed, postage prepaid thereon, to the below named parties:

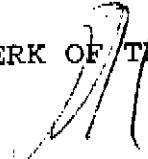
John L. Merzlock
920 Deon Dr., Suite C
Pocatello, ID 83201

Steven V. Richert
Office of the Public Defender
801 East Sherman
Pocatello, ID 83201

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Attorney at Law
357 West Center, Suite 213
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P. O. Box 130
Pocatello, ID 83204

CLERK OF THE COURT

By 
Deputy Clerk